

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN “CLEAN DIESEL”  
MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

**ORDER DENYING ADMINISTRATIVE  
MOTION TO STRIKE AND TO  
ENFORCE LOCAL RULE 7–3(D)(1)**

This Order Relates To:  
MDL Dkt. No. 6860

*Napleton*, No. 3:16-cv-02086-CRB

After plaintiffs filed their reply brief in support of class certification, the Bosch defendants filed a five-page document that included several objections to new evidence that plaintiffs submitted with their reply. (*See* MDL Dkt. No. 6841.) Plaintiffs responded by filing an administrative motion to strike that five-page document as an improper sur-reply.

Having reviewed the document, the Court concludes that it complies with the local rules, which permit parties to “file and serve an Objection to Reply Evidence, which may not exceed 5 pages of text.” Civil L.R. 7–3(d)(1). While an Objection to Reply Evidence may not include “further argument on the motion,” *id.*, the local rules do not prohibit an objecting party from including within an Objection to Reply Evidence arguments in support of its objections, as the Bosch defendants did here.

Having concluded that the Bosch defendants’ objections comply with the local rules, the Court DENIES plaintiffs’ motion to strike them.

**IT IS SO ORDERED.**

Dated: November 25, 2019



CHARLES R. BREYER  
United States District Judge